

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.3721 OF 2005

DATED: 16.11.2006

BETWEEN:

Smt.Allipalli Indira

... petitioner

And

Vishakapatnam Urban Development rep by
Vice Chairman, VUDA Complex, Siripuram,
Visakhapatnam

And 3 others

... Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.3721 OF 2005

ORDER:

The writ petition is filed for a writ of mandamus declaring the order of the 1st respondent passed in Rc.No.582/95/I-3 VUDA Park dated 10.2.2005 as illegal, arbitrary and consequently direct the respondents to renew the lease of the petitioner for a further period of three years as was done in respect of other leases and to pass such other order.

Ms.Preethi Reddy, the learned counsel had placed before this Court Rc.No.582/95/I3 dated 7.6.2006 and the same reads as hereunder:

“ I invite your attention to the reference cited and I am to inform that Smt.A.Indira licensee of Mini Canteen at VUDA Part Phase-I has filed a W.P.No.3721 of 2005 against VUDA. The Hon'ble High Court has passed orders on dated 27.4.2006 in W.V.M.P.No.2767/2005 & W.P.M.P.No.5008 of 2005 in W.P.No.3721 of 2005 that the petitioner shall pay the arrears of Rs.1,03,762/- which are due and payable from 1-9-04 till date within four weeks from the date of order, failing which the interim stay already granted by the Court on 25.5.2005 stands cancelled automatically, and it is open to the respondents to take over the possession of the said canteen and respondents are directed to file additional counter showing the balance amount payable by the petitioner.

In this regard, I am to inform you that an amount of

Rs.3,15,541/- is due as on 30.4.2006. As per the court order the petitioner has paid an amount of Rs.38,000/-. The petitioner has failed to pay the total due amounts as per the court order in the stipulated period. Hence the possession of the Canteen was taken over by VUDA on 29.5.2006 at 4.30 P.M. The copy of the Court order is herewith enclosed for ready reference. The petitioner has to pay an amount of (Rs.3,22,877 (-) Rs.38,000) Rs.2,84,877/- as on 31.5.2006.

I am therefore request you t submit the additional counter in the Hon'ble High Court as per the court order and defend the case in the interest of VUDA.

Yours faithfully,
Sd/- M.V.Seshagiri Babu,
For Vice Chairman.”

It is brought to the notice of this Court that the modified order had not been complied with and hence, possession already had been taken. In view of the same, no further orders need be passed in the present writ petition. Writ petition is accordingly, closed. However, it is needless to say that the first respondent is at liberty to take appropriate steps for calculation of the arrears of amount, if any due. No order as to costs.

16.11.2006.

mdaa